

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 8:07CR392 |
| vs. |) | |
| |) | ORDER |
| LAURO MARQUEZ, |) | |
| |) | |
| Defendant. |) | |

The defendant has filed a Motion to Continue Trial [66] to allow the parties to "possibly engage in plea negotiations." The trial of this matter has been continued or rescheduled on numerous occasions, and present counsel was already granted a two-week extension of the pretrial motion deadline, which expired on June 30, 2008. In the interests of justice, the court will grant a final continuance to Tuesday, August 5, 2008.

IT IS ORDERED that defendant's Motion to Continue Trial [66] is granted, as follows:

1. The trial of this matter is continued to Tuesday, **August 5, 2008 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. This is a final continuance. Judge Smith Camp will meet with counsel in chambers at 8:30 a.m. on the first day of trial. The provisions of Judge Smith Camp's order regarding trial preparation [65] remain in effect.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting a continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **July 22, 2008 and August 5, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, no later than July 18, 2008.

DATED July 17, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**